

Art Unit: 2893

DETAILED ACTION

Response to Amendment

1. The amendment filed January 20, 2009 incorporating canceled claim 23 into independent claim 16 has been entered.

Election/Restrictions

2. This application is in condition for allowance except for the presence of claims 1-10 and 26-30 directed to an invention non-elected without traverse. Accordingly, claims 1-10 and 26-30 have been cancelled.

3. This application is in condition for allowance except for the following formal matters:
See below.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The recitation of amended claim 16 calling for, "... through said insulator ..." lacks proper antecedent basis. Note that since claim 22 recites an insulator which appears to be the same insulator as that of amended claim 16, correction should also be made in claim 22.

Allowable Subject Matter

Art Unit: 2893

5. The following is a statement of reasons for the indication of allowable subject matter: Ichihara et al. (US PG-Pub 2003/0152867), a closely related art, discloses a semiconductor memory device comprising a layer of chalcogenide material including a species that is capable of reducing the grain size of the chalcogenide material; and a species that is capable of increasing the crystallization speed of the chalcogenide material. However, amended independent claim 16 also requires a heater extending through an insulator to said chalcogenide material to heat said chalcogenide material. The above limitations in combination with other claim limitations are not taught or fairly suggested by the prior art nor would it be obvious to modify the references of record so as to yield the device of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Sefer whose telephone number is (571)272-1921.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Davienne Monbleau can be reached on (571) 272-1945.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/633,873

Page 4

Art Unit: 2893

/A. Sefer/
Primary Examiner
Art Unit 2893